

## HUNTING HERITAGE PROTECTION ACT

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SEPTEMBER 12, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### R E P O R T

together with

### DISSENTING VIEWS

[To accompany H.R. 4790]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4790) to recognize hunting heritage and provide opportunities for continued hunting on public lands, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Hunting Heritage Protection Act”.

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Recreational hunting is an important and traditional recreational activity in which 14,000,000 Americans 16 years of age and older participate.

(2) Hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States.

(3) Persons who hunt and organizations related to hunting provide direct assistance to wildlife managers and enforcement officers of Federal, State, and local governments.

(4) Purchases of hunting licenses, permits, and stamps and excise taxes on goods used by hunters have generated billions of dollars for wildlife conservation, research, and management.

(5) Recreational hunting is an essential component of effective wildlife management, in that it is an important tool for reducing conflicts between people and wildlife and provides incentives for the conservation of wildlife and habitats and ecosystems on which wildlife depends.

(6) Each State has established at least one agency staffed by professionally trained wildlife management personnel, that has legal authority to manage the wildlife in the State.

(7) Recreational hunting is an environmentally acceptable activity that occurs and can be provided for on Federal public lands without adverse effects on other uses of that land and water.

#### SEC. 3. RECREATIONAL HUNTING.

(a) **IN GENERAL.**—Subject to valid existing rights, Federal public lands shall be open to access and use for recreational hunting except—

(1) as limited by the Federal agency with responsibility for Federal public lands—

(A) for reasons of national security;

(B) for reasons of public safety; or

(C) for reasons authorized in applicable Federal statutes as reasons for closure; and

(2) as recreational hunting is limited by the State in which the Federal public lands are located.

(b) **MANAGEMENT.**—The head of each Federal agency with authority to manage a natural resource or Federal public lands on which a natural resource depends shall exercise that authority, consistent with subsection (a), in a manner so as to support, promote, and enhance recreational hunting opportunities, to the extent authorized under State law and regulation and in accordance with applicable Federal law.

(c) **NO NET LOSS.**—

(1) **IN GENERAL.**—Federal land management decisions and actions should, to the greatest extent practicable, result in no net loss of land area available for hunting opportunities on Federal public lands.

(2) **ANNUAL REPORT.**—Not later than October 1 of each year, the head of each Federal agency with authority to manage Federal public lands on which recreational hunting occurs shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) areas administered by the agency that have been closed during the previous year to recreational hunting and the reasons for such closure; and

(B) areas administered by the agency that were open to recreational hunting to compensate for those areas described under subparagraph (A).

(d) **AREAS NOT AFFECTED.**—Nothing in this Act shall be construed to compel the opening to recreational hunting of national parks or national monuments administered by the National Park Service.

(e) **NO PRIORITY.**—This section does not require a Federal agency to give preference to hunting over other uses of Federal public lands, or over land or water management priorities established in Federal law.

(f) **AUTHORITY OF THE STATES.**—

(1) **SAVINGS.**—Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations on land or water within a State, including Federal public lands, nor as impliedly preempting such State authority.

(2) **FEDERAL LICENSES.**—Nothing in this Act shall be construed as authorizing the head of any Federal agency, or any official of such an agency, to require licenses or permits to hunt, fish or trap on lands or waters within a State, including on Federal public lands.

(3) **STATE RIGHT OF ACTION.**—Any State aggrieved by the failure of the head of a Federal agency or an official thereof to comply with this subsection may file a civil action in the United States District Court for the district in which the alleged act in violation of this subsection occurred or is occurring to enjoin permanently such act. The court may grant preliminary injunctive relief in any such action if the granting of such relief is appropriate under the facts on which such action is based. A State which is a prevailing party in an action pursuant to this paragraph shall be awarded its costs and attorneys' fees.

#### SEC. 4. NATIONAL RECREATIONAL HUNTING COORDINATION COUNCIL.

(a) **ESTABLISHMENT.**—There is hereby established a National Recreational Hunting Coordination Council (in this Act referred to as the "Council").

(b) **RECREATIONAL HUNTING RESOURCES CONSERVATION PLAN.**—

(1) **IN GENERAL.**—The Council, in cooperation with Federal agencies, States, and tribes, and the hunting community, shall develop a comprehensive recreational hunting and wildlife resource conservation plan.

(2) **CONTENTS.**—The plan shall—

(A) recommend short- and long-term actions to be carried out by the Federal agencies identified in the plan to conserve and restore wildlife habitat in a manner so as to support, promote, facilitate, and enhance recreational hunting opportunities on Federal public lands; and

(B) include—

(i) a review and evaluation of Federal policies that affect recreational hunting opportunities on Federal public lands;

(ii) recommendations to ensure that Federal agencies consider the social and economic values of healthy wildlife habitat and recreational hunting in land management decisions;

(iii) recommended actions to be taken by Federal agencies to facilitate and promote hunting access to appropriate Federal public lands;

(iv) recommended actions to facilitate the transfer of the latest resource information and management technologies to wildlife managers and the public to assist in the conservation and management of wildlife and the promotion of hunting opportunities on Federal public lands;

(v) recommendations for improving Federal agency cooperation with States, tribes, wildlife conservation groups, and the hunting community;

(vi) measurable objectives of efforts to conserve and restore wildlife habitats that support viable and healthy wildlife resources that may be hunted;

(vii) a comprehensive mechanism to evaluate the attainment of the objectives described in clause (vi); and

(viii) an evaluation of the need for a permanent National Recreational Hunting Coordination Council.

(3) INTEGRATION.—To the extent practicable, the Council in developing such plan shall integrate it with existing plans and programs to reduce duplication of efforts.

(4) SUBMISSION OF PLAN.—Not later than 18 months after the date of enactment of this Act, the Council shall publish a draft plan in the Federal Register and provide opportunity for public review and comment. Not later than 3 years after the date of enactment, the Council shall revise and update as necessary the draft plan and submit a final plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and the President.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Council shall consist of 11 members appointed as follows:

(A) 1 member appointed by the Secretary of the Interior.

(B) 1 member appointed by the Secretary of Agriculture.

(C) 1 member appointed by the Secretary of Defense.

(D) 1 member appointed by the Speaker of the House of Representatives.

(E) 1 member appointed by the minority leader of the House of Representatives.

(F) 1 member appointed by the majority leader of the Senate.

(G) 1 member appointed by the minority leader of the Senate.

(H) 2 members appointed by the President from among the directors of State fish and wildlife agencies.

(I) 2 members appointed by the President to represent recreational hunters.

(2) VACANCIES.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(3) PAY.—Each member shall serve without pay.

(4) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) CHAIRPERSON.—The members of the Council shall elect a Chairperson of the Council from among its members.

(d) POWERS OF COUNCIL.—

(1) HEARINGS AND SESSIONS.—The Council may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Council considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agency of the Council may, if authorized by the Council, take any action which the Council is authorized to take by this subsection.

(e) TERMINATION.—The Council shall terminate upon the earlier of the date of submission of the final plan under subsection (b) or 3 years after the date of the enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior \$250,000 for each of fiscal years 2001 through 2003 to support the Council established under this section.

(g) EFFECTIVE DATE.—This section shall become effective January 20, 2001.

#### SEC. 5. DEFINITIONS.

In this Act:

(1) HUNTING.—The term “hunting” means the lawful pursuit, hunting, trapping, shooting, capture, collection, or killing of wildlife or the attempt to pursue, hunt, trap, shoot, capture, collect, or kill wildlife.

(2) FEDERAL PUBLIC LANDS.—The term “Federal public lands” means any land or water the title to which is in the United States after the date of enactment of this Act.

#### PURPOSE OF THE BILL

The purposes of H.R. 4790 are to recognize America’s hunting heritage and provide opportunities for continued hunting on public lands.

#### BACKGROUND AND NEED FOR LEGISLATION

Hunting, trapping and fishing are woven into the fabric of America’s history. These activities are long-standing traditions that are passed down from generation to generation, fostering an appreciation for the outdoors, and instilling a conservation ethic and respect for nature in young people. Recreational hunters were America’s first conservationists, leading efforts beginning more than two centuries ago to protect migratory birds, outlaw the commercial harvest of wildlife, promote scientific wildlife management, and establish public lands to benefit wildlife. America’s most famous conservationist and a pioneer in the field of wildlife ecology, Aldo Leopold, was an avid hunter. The founder of the Audubon Society, John James Audubon, was also an accomplished sportsman. President Theodore Roosevelt, one of our Nation’s most prominent hunters, established the National Wildlife Refuge System to ensure that wildlife would have sufficient habitat to allow continued hunting opportunities. These men recognized the important role hunters play in conserving habitat for wildlife.

According to the 1996 National Survey of Fishing, Hunting and Wildlife-Associated Recreation, 14 million hunters continue to provide leadership and enormous financial support for wildlife conservation efforts. These hunters voluntarily contribute nearly \$21 billion annually to the national economy through taxes, fees, trips, guide services, and purchases of outdoor equipment. License fees and taxes paid on hunting equipment are the dominant source of funding for State fish and wildlife agencies, generating \$2 billion annually. In 1999, the U.S. Fish and Wildlife Service distributed \$165 million to State agencies for wildlife through its Federal Aid Program based on the landmark Pittman-Robertson Act. The dollars provided by the Pittman-Robertson Act are clearly responsible for recovering many game species and numerous non-game species that depend on the same habitat. As a result, both hunters and non-hunters, including those who simply enjoy watching or photographing wildlife, benefit from the taxes paid by hunters.

In addition to providing the necessary funds for conservation, hunters play an essential role in wildlife management. Changing land use patterns and the absence of predators have allowed many species of wildlife to flourish. In many agricultural areas, wildlife has a year-round food supply that was not available prior to cul-

tivation. Hunting gives resource managers a valuable tool to control species such as whitetail deer and geese that would otherwise exceed the carrying capacity of their ecosystems. By destroying vegetation and habitat, over-abundant wildlife can threaten the survival of other species. In some instances, over-abundant wildlife species pose a hazard to human health and safety. Without hunters, wildlife managers would need to spend an inordinate amount of tax dollars to control nuisance wildlife populations through other less-effective means.

As America's population has shifted from rural to predominately urban settings, Americans have become separated from their connection to the land. Land available for recreational hunting has decreased as it is developed or posted by non-hunting landowners. In 1996, nearly 6.5 million people hunted on public lands. Seventeen percent of the hunting population (2.3 million people) hunted public lands exclusively. For many of these hunters, public lands provided the only hunting opportunities available. Hunting and fishing provide a vital link to the land and to America's tradition of rugged individualism and self-reliance. As the Nation's largest landowner, particularly in the Western portion of the United States, the federal government has both the responsibility and the opportunity to provide access to recreational hunters, and to protect wildlife habitat to benefit both game and non-game species.

H.R. 4790 recognizes the significant role that hunters play in conservation, and ensures that federal public lands and waters will continue to be open to recreational hunting, unless limited for reasons of national security, public safety, or as limited by other federal land-management statutes. The fundamental purpose of this bill is to instruct federal land managers that public lands are to be open for hunting unless there are compelling reasons, grounded in law, to close particular areas to hunting. This bill compliments Executive Order 12962, which President Clinton issued on June 7, 1995, to enhance recreational fishing opportunities on public lands. H.R. 4790 directs the head of each federal agency with land management authority to manage federal lands consistent with the purpose of maintaining, supporting, and facilitating recreational hunting opportunities. The use of public lands for hunting and trapping is consistent with the provisions of other land management statutes, including the Sikes Act (16 U.S.C. 670 et seq.), and is compatible with lands managed for a wide variety of purposes, including the 93 million acres in the National Wildlife Refuge System.

H.R. 4790 establishes a policy of "No Net Loss" of hunting opportunities for federal public lands. This policy does not require federal agencies to give preference to hunting over other uses of lands. If an agency closes an area to recreational hunting, H.R. 4790 provides that the federal government open an equivalent amount of land to compensate for the lost recreational hunting opportunities. The legislation allows flexibility in the implementation of the No Net Loss policy. This provision does not force federal agencies to open inappropriate areas to hunting. Further, H.R. 4790 does not compel the Department of the Interior to open lands managed by the National Park Service, including national monuments, National Parks and natural preserve areas that are closed to hunting as a matter of law. Each agency with land management authority is re-

quired to submit an annual report to the Congressional Committees of jurisdiction describing lands which have been closed or opened to hunting. The No Net Loss policy will guarantee that American sportsmen and women will continue to enjoy access to public lands for hunting and trapping well into the future.

The Committee reported an amended bill that defines “hunting” to include trapping and other consumptive wildlife-dependent recreation. The term “wildlife” should be construed in the broadest sense allowed under existing State and federal laws, and should include animals which are bred or raised in captivity and released into the wild for the purpose of hunting, such as ring-necked pheasants. Section 3(f) requires that federal agency policies are compatible with State wildlife management laws. This section also provides a venue for States to challenge federal agency decisions that infringe upon State wildlife management authorities. Federal agencies should therefore make sure that their hunting-related policies are consistent with those of the State in which the land is located.

H.R. 4790 also establishes a National Recreational Hunting Coordination Council. Members of the Council are appointed by federal agencies, the President, and Congressional leadership. This Council is charged with developing a Recreational Hunting Resources Conservation Plan. The plan will review federal agency policies that affect hunting opportunities and recommend actions to be taken by federal agencies to facilitate hunting access to appropriate public lands. The bill authorizes a total of \$750,000 a year to complete the plan. The Council will sunset after three years, or after the final plan is submitted to Congress.

#### COMMITTEE ACTION

H.R. 4790 was introduced on June 29, 2000, by Congressman Saxby Chambliss (R-GA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife, and Oceans. On July 20, 2000, the Subcommittee held a hearing on the bill. On July 26, 2000, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Chairman Don Young (R-AK) offered an amendment in the nature of a substitute that clarified certain provisions of the bill, limited the role of the Council and sunsetted the Council after three years, strengthened the provision pertaining to State authority, and required federal agencies to submit an annual report on hunting closures to Congress. The amendment in the nature of a substitute was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

The short title of this bill is the “Hunting Heritage Protection Act”.

### *Section 2. Findings*

Section 2 lists several findings, including a description of the social and economic importance of recreational hunting in the United States, a recognition that hunters are the foremost supporters of sound wildlife management and conservation practices, and that recreational hunting is an essential component of effective wildlife management.

### *Section 3. Recreational hunting*

Section 3 requires that federal public lands remain open for recreational hunting except for reasons of national security, public safety, or as limited by applicable federal statutes. The head of each federal agency with authority to manage public lands, including the U.S. Forest Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the Department of Defense, and the Department of Energy, shall use their existing authorities to support, promote and enhance recreational hunting opportunities on federal lands. Section 3 provides that there be no net loss of acreage available to recreational hunting. Each agency is required to submit an annual report which describes lands closed to public hunting as well as lands that have been opened pursuant to the "No Net Loss" policy. Section 3 exempts lands managed by the National Park Service and closed to hunting as a matter of law from the provisions of this bill. The bill does not require that federal agencies give hunting a higher priority than other existing land uses.

Section 3 also states that nothing in this bill shall affect the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State laws. States retain the right to require hunting and fishing licenses, and this bill does not give any new authorities to federal agencies to require permits to hunt, fish or trap on federal lands or waters within a State. Existing authorities, including the Federal Duck Stamp Program, are not affected. Finally, the section recognizes that States have a right of action to sue in the U.S. district court of jurisdiction if a federal agency fails to recognize State primacy in managing resident fish and wildlife.

### *Section 4. National Recreational Hunting Coordination Council*

Section 4 establishes the National Recreational Hunting Coordination Council. The Council consists of 11 members: one member each appointed by the majority and minority leaders of the House of Representatives and the Senate, two members appointed by the President to represent State fish and wildlife agencies, two members appointed by the President to represent recreational hunters, and one member each appointed by the Secretary of the Interior, the Secretary of Defense, and the Secretary of Agriculture. Members of the Council will be appointed after January 20, 2000, and the Council will sunset after three years.

The Council is charged with developing a national recreational hunting and wildlife conservation plan. The plan will recommend short and long term actions to be carried out by federal agencies to support, promote, facilitate, and enhance recreational hunting opportunities on federal public lands. The plan will include a review of federal policies that affect hunting, recommendations to en-

sure that agencies consider the benefits of hunting in land management decisions, recommendations to facilitate the sharing of information, an evaluation of the need for a permanent Council, and measurable objectives of efforts to conserve and restore wildlife habitat to support wildlife that may be hunted. The Council is required to submit a draft plan for public review and comment no later than 18 months after the date of enactment of the bill, and to submit a final report to the President and to Congress within three years. Section 4 authorizes \$250,000 a year for each of fiscal years 2001 through 2003 to support the Council.

#### *Section 5. Definitions*

Section 5 defines the terms “hunting” and “Federal public lands”.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

#### FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 8, 2000.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4790, the Hunting Heritage Protection Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 4790—Hunting Heritage Protection Act*

H.R. 4790 would require federal land management agencies to promote and enhance recreational hunting on federal lands. Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost the federal government \$2.5 million over the 2001–2005 period. H.R. 4790 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 4790 would establish a new federal policy that, to the extent practicable, there should be no net loss of public lands open for hunting. In complying with this policy, the land management agencies would report to the Congress each year on areas that they have closed or opened to hunting.

Section 4 of the bill would establish the National Recreation Hunting Coordination Council. The 11-member council would develop a plan to promote recreational hunting and wildlife conservation, including recommendations to federal agencies on short-term and long-term actions to restore wildlife habitat and enhance hunting opportunities on public lands. For this purpose, the bill would authorize the appropriation of \$250,000 for each of fiscal years 2001 through 2003.

CBO estimates that it would cost \$750,000 to implement H.R. 4790 in fiscal year 2001, including \$250,000 for council activities and \$500,000 to establish a database on federal lands open to hunting. After the council's authority expires in 2003, we estimate federal agencies would continue to spend about \$300,000 a year to maintain the database and to report to the Congress. This estimate is based on information provided by the land management agencies in the Department of the Interior, the Department of Defense, and the Department of Agriculture.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

## DISSENTING VIEWS

Hunting on the Nation's public lands has a long and rich tradition and is pursued by many for subsistence and recreation, creating both social and economic benefits. In fact, most of the Federal public lands are currently open to hunting, subject to regulations which are primarily established by state fish and game agencies. As "no trespass" signs are increasingly posted on privately-owned lands, it is important that public lands remain accessible for recreation by average citizens. Contrary to the Majority, we think that competing demands for wildlife resources and wildlife-based recreation on public lands must be carefully balanced. In a departure from existing law and policy, this legislation would convey a preferred status to hunting over and above all other uses of public lands. In our view, this would undercut responsible management of wildlife resources and be detrimental to the majority of Americans who enjoy forms of wildlife-based recreation other than hunting.

No evidence had been provided to the Committee to demonstrate that Federal land managers have acted in an arbitrary or capricious manner to restrict hunting on public lands. In expressing the Administration's opposition to H.R. 4790, the Department of the Interior testified at the Subcommittee's July 26, 2000 hearing that "the vast majority of public lands are open to recreational hunting." Independent sources strongly corroborate this statement. According to statistics compiled by the General Accounting Office (GAO) and the National Audubon Society, hundreds of millions of acres of public land under the administration of the Department of the Interior, the U.S. Forest Service and other federal agencies are currently accessible to recreational hunters. It is worth noting that this total does not account for hunting opportunities presently available on State-owned public lands.

The reality is that more Federal public lands and waters are being opened for hunting, especially at units managed by the Fish and Wildlife Service. According to data provided by the Service, opportunities to hunt within the Refuge System are available in 49 States. In 1999, the Service allowed public hunting on 299 refuges, wildlife management areas, and waterfowl production areas (59% of all units), which in total area also represents the vast majority of all public lands managed by the Service. The Administration testified that it intends to increase hunting opportunities during the 2000–2001 season by opening additional refuges for hunting in several States ranging from Maine to Oregon. This action is wholly consistent with the policies established under the National Wildlife Refuge Improvement Act (Pub. L. 105–57) which included hunting as one of six priority wildlife-dependent uses on Wildlife Refuges. We are concerned that H.R. 4790 would, in effect, rewrite that popular and bipartisan Act to unjustifiably prioritize hunting to the detriment of those other five priority wildlife-dependent uses. We

are also concerned that the unnecessary and vague “no net loss” policy for hunting opportunities included in this bill would thoroughly undercut the ability of Federal land managers to reliably evaluate hunting on a case-by-case basis by using accepted analytic and planning tools. The impacts of H.R. 4790 deserve far more scrutiny.

We also note that this bill’s exclusive focus on hunting ignores the values of non-consumptive wildlife-based recreation and other types of uses on public lands. According to the 1996 National Survey of Fishing, Hunting and Wildlife-Associated Recreation, the number of people who enjoy wildlife watching or wildlife photography now totals well over 63 million Americans, as compared to an estimated 14 million people who hunt—nearly five times the number of hunters. Adding recreational anglers to the number of non-consumptive wildlife users in the Survey swells the total of non-hunters to 98 million Americans. Furthermore, the importance of public lands for all types of recreational use is undeniable. GAO reports in its 1999 report on Recreation Fees (GAO/RECD-99-7 Recreation Fees), that in 1997 there were over 1.2 billion visits to public lands and facilities managed by the Department of the Interior and the Forest Service. Unfortunately, H.R. 4790 gives no consideration to the needs of this large segment of the American population. That is simply unfair.

It is also ironic that this legislation has been introduced at the same time that the Majority has sought to transfer or sell off huge chunks of Federal lands to the States or private interests. Moreover, they have aggressively tried to increase access to public lands for miners, loggers and other corporate development interests. The Majority’s policies would actually reduce the amount of Federal lands available to hunters. It is also ironic that this legislation would establish and authorize funds for a new National Recreational Hunting Coordination Council less than 7 months after the Majority passed legislation (H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act) which effectively cuts funding made available under the Wallop-Breaux Sport Fish Restoration Program to support the existing Sport Fishing and Boating Partnership Council. We also note the Administration’s opposition to H.R. 4790, and the substantive concerns raised by non-governmental organizations about the impracticality and high costs of implementing the bill’s “no net loss” policy in addition to other detrimental affects. Taken together, these factors raise substantial doubts about the need for, or desirability of, this legislation.

In closing, H.R. 4790 proposes a significant shift in Federal land management policy. It ignores two vital factors that confront Federal land managers on a daily basis: the need to sustainably manage wildlife resources for the benefit of all users of wildlife, and in the larger context, the need to balance the use of wildlife with all other competing uses of Federal lands and waters. For the Congress to act quickly to pass this legislation without greater awareness of its full costs and implications would be ill-advised.

GEORGE MILLER.  
NEIL ABERCROMBIE.  
GRACE F. NAPOLITANO.  
FRANK PALLONE, Jr.  
MARK UDALL.  
RUSH HOLT.  
RON KIND.

